

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

v.

RICOH COMPANY, LTD.

Defendant.

Case No. 1:12-cv-03109 (DLC)

DECLARATION OF ROBERT J. GUNTHER, JR. IN SUPPORT OF EASTMAN KODAK COMPANY'S OPPOSITION TO RICOH'S MOTIONS IN LIMINE

ROBERT J. GUNTHER, JR. under penalty of perjury, hereby declares as follows:

1. I am an attorney with the law firm WilmerHale LLP, counsel for Plaintiff Eastman Kodak Company (“Kodak”) in the above captioned action, and am admitted to this Court.
2. I respectfully submit this declaration in support of Kodak’s Opposition to Ricoh’s Motions in Limine. I am familiar with the facts stated herein.
3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Merriam-Webster’s Collegiate Dictionary.
4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from Kodak’s August 29, 2012, First Set of Requests for Production.
5. Attached hereto as Exhibit 3 is a true and correct copy of an April 23, 2010, Pentax Press Release bearing bates number KOD-RIC081781.
6. Attached hereto as Exhibit 4 is a true and correct copy of DSLR 645D Product Details from the Pentax Webstore bearing bates number KOD-RIC081754.

7. Attached hereto as Exhibit 5 is a true and correct copy of a March 1, 2012, Press Release bearing bates number KOD-RIC081788.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the June 5, 2013, deposition of John Valenza.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the February 5, 2013, deposition of Willy Shih.

Dated: October 14, 2013

/s/ Robert J. Gunther, Jr.

Robert J. Gunther , Jr.